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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/640,686

08/18/2000

S Joseph Campanella

38492

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7590

09/10/2004

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EXAMINER

HSU, ALPUS

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/640,686

Applicant(s)

CAMPANELLA, S JOSEPH

Examiner

Alpus H. Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
4a) Of the above claim(s) 22-51 is/are withdrawn from consideration.
5) ☒ Claim(s) 1-16 is/are allowed.
6) ☒ Claim(s) 17-19 is/are rejected.
7) ☒ Claim(s) 20 and 21 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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1. Applicant's election with traverse of Invention Group I (claims 1-21) in the reply filed on 07 July 2004 is acknowledged. The traversal is on the ground(s) that all group of inventions have common subject matter, different groups of inventions are related to one another, and one group of invention can be used within another group of invention. The applicant therefore concludes that it will not be a serious burden on the examiner to search and examine all of the claims. This is not found persuasive because the different groups of inventions are distinct to one another, and have acquired a separate status in the art because of their divergent subject matter, which will be a serious burden on the examiner to search and examine due to different class search areas. Therefore, the examiner believes that the restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 22-51 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected groups of inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 07 July 2004.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by MARKO et al. in U.S. Patent No. 6,510,317 B1 or PATSIOKAS et al. in U.S. Patent No. 6,724,827 B1.

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Regarding claim 17, MARKO et al. discloses a system (24) for use in a terrestrial re-radiation station comprising a receiver (34) for receiving a time division multiplexed (TDM) data stream from a satellite, a transcoder (35 and 36) for transforming TDM data stream into a multicarrier modulated (MCM) waveform to create a TDM-MCM signal, and a transmitter (38) for transmitting the TDM-MCM signal (see col. 3, line 59 to col. 4, line 18).

Similarly, PATSIOKAS et al. also discloses a system (24) for use in a terrestrial re-radiation station comprising a receiver (34) for receiving a time division multiplexed (TDM) data stream from a satellite, a transcoder (35 and 36) for transforming TDM data stream into a multicarrier modulated (MCM) waveform to create a TDM-MCM signal, and a transmitter (38) for transmitting the TDM-MCM signal (see col. 3, line 60 to col. 4, line 20).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over MARKO et al. in U.S. Patent No. 6,510,317 B1 or PATSIOKAS et al. in U.S. Patent No. 6,724,827 B1.

Regarding claims 18 and 19, each of MARKO et al. and PATSIOKAS et al. differs from the claims, in that each reference fails to disclose the feature of configuring the transmitter to re-radiate the TDM-MCM signal over terrestrial paths to distances between approximately 2 kms and 10 kms where reception from the satellite is blocked or over terrestrial paths in at least one of a city and along a roadway to selected distances where reception from the satellite is blocked

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by buildings and trees, respectively, which are well known in the art and well within the level of ordinary skill artisan to implement into each system of MARKO et al. or PATSIOKAS et al. as design choice. The examiner is hereby taking the official notice that to configure the transmitter to any desired range of distances would have been obvious to one of ordinary skill in the art to make as design choice to conform with system standard and/or requirement as needed.

7. Claims 1-16 are allowed.

8. Claims 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Campanella '487 & '490, Briskman, Ramasastry, Gevargiz et al., and Campanella in WO 99/49602 are all cited to show the common feature of satellite direct radio broadcast system utilizing TDM satellite signal transformation for enhancing diversity similar to the claimed invention.

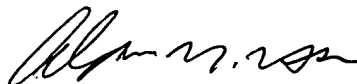
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH



Alpus H. Hsu
Primary Examiner
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